REMARKS

The Office examined claims 1-23 and rejected same. With this paper, the claims are unchanged.

Rejections under 35 USC §102

At section 2 of the Office action, claims 1-23 are rejected under 35 USC §102 as being anticipated by U.S. Pat. Pub. No. 2005/0169301 (hereinafter Jain).

The independent claims are claims 1 and 16-18. All recite at least either a step (or corresponding means) in which a node of a wireless communication system issues to a UE device a change command in response to a change request (to change the value of a data rate pointer) by the UE device, the node issuing the change command (to change the value of the pointer) based on predetermined rules; or a step (or corresponding means) in which the UE device adjusts the data rate pointer according to the change command and based on predetermined rules for interpreting the change command; characterized in that either the predetermined rules used by the node in responding to the change request differ depending on the current value of the data rate pointer, or in that the UE interprets the change command based on predetermined rules that differ depending on the current value of the data rate pointer.

Regarding claims 1 and 16-18, the Office relies on pars. [0087-0092] of Jain for a teaching of the limitation that the predetermined rules used by the node in responding to a change request differ depending on the current value of the data rate pointer. Applicant respectfully points out that at the cited locations, Jain nowhere discusses a base station/ Node B responding to a rate change request, let alone doing so according to rules that differ depending on the current value of the data rate pointer (which indicates a maximum allowable data rate the

UE can use in uplink). At the cited locations, Jain teaches only that a BS (base station) controls (in closed-loop) the power of a MS (mobile station) based on a threshold for quality of service, called the power control set point. The threshold (power control set point) is compared to a received Ecp/Nt (used to indicate a measured signal-to-noise ratio or a pilot energy over noise plus interference ratio, as explained at par. [0036]), and power control commands are then generated based on the comparison. Jain teaches that the threshold is changed with erasures on the traffic channel and is adjusted when the data rate changes. Jain notes that different data rates on the R-SCH (the reverse/uplink supplemental channel, explained at par. [0049] as used for packets, as opposed to voice) require different optimal set points of the reverse pilot channel, and explains that when data rate changes on the R-SCH, the BS changes the MS's received Ecp/Nt by the Pilot Reference Levels (Pref(R)) difference between the current and the next R-SCH data rate. But there is simply no teaching of the invention as in claim 1, nor even any mention of a BS/Node B responding to a rate change request. Pars. [0087]-[0092] read:

> [0087] Power control in a CDMA system is essential to maintain the desired quality of service (QoS). In IS-2000, the RL pilot channel (R-PICH) of each MS is closed-loop power controlled to a desired threshold. At the BS, this threshold, called power control set point, is compared against the received Ecp/Nt to generate power control command (closed-loop PC), where Ecp is the pilot channel energy per chip. To achieve the desired QoS on the traffic channel, the threshold at the BS is changed with erasures on the traffic channel, and has to be adjusted when the data rate changes.
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> [0088] Set point corrections occur due to:
>
> [0089] Outer-loop power control
>
> [0090] Rate Transitions
>
> [0091] Outer-loop power control: If the R-FCH is present, the power control set point is corrected based on erasures of the R-FCH. If R-FCH is not present, the outer-loop PC is corrected based on erasures of some control channel or R-SCH when the MS is transmitting data.

> [0092] Rate Transitions: Different data rates on the R-SCH require different optimal set point of the reverse pilot channel. When data rate changes on the R-SCH, the BS changes the MS's received Ecp/Nt by the Pilot Reference Levels (Pref(R)) difference between the current and the next R-SCH data rate. In an embodiment, the Pilot Reference Level for a given data rate R, Pref(R), is specified in the Nominal Attribute Gain Table in C.S0002-C. Since the closed-loop power control brings the received pilot Ecp/Nt to the set point, the BS adjusts the outer loop set point according to the next assigned R-SCH data rate:
>
> $$\Delta = \Pr ef(Rnew) - \Pr ef(Rold) .$$

There is here just no teaching of a BS/Node B responding to a rate change request (by which a UE/ MS asks for a change in the maximum allowable data rate the UE/ MS may use in uplink), let alone a BS/Node B doing so according to rules that differ depending on the current value of the data rate pointer.

Accordingly, applicant respectfully requests that the rejections under 35 USC §102 be reconsidered and withdrawn.

Conclusion

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

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